

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CENTEX HOMES,

Plaintiff,

vs.

ZURICH AMERICAN INSURANCE  
COMPANY, *et al.*,

Defendants.


Case No. 2:16-cv-01634-APG-GWF

**ORDER**

This matter is before the Court on the parties' Proposed Discovery Plan and Scheduling Order (ECF No. 25), filed on December 5, 2016. The parties have submitted a proposed discovery plan and scheduling order, but represent that discovery shall be held in abeyance until disposition of Defendant Lexington Insurance Company's pending Motion to Dismiss (ECF No. 11). The parties are admonished that the filing of a motion to dismiss does not automatically result in a stay of discovery. If the parties desire a stay of discovery, then they must file a motion for stay, or a stipulation setting forth the justification for entry of a stay order. Accordingly,

**IT IS HEREBY ORDERED** that the parties' Proposed Stipulated Discovery Plan and Scheduling Order (ECF No. 25) is **denied**, without prejudice. An appropriate motion to stay discovery or a proposed discovery plan and scheduling order shall be filed on or before **December 19, 2016**.

DATED this 6th day of December, 2016.

  
 GEORGE FOLEY, JR.  
 United States Magistrate Judge